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09/470,100	12/21/1999	YUMIKO MINIKAWA	80398.P274	5774

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EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/470,100

Applicant(s)

MINIKAWA ET AL.

Examiner

James Sheleheda

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because it exceeds 150 words.

Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Broberg (6,529,680).

As to claim 1, Broberg discloses a method for providing a default source to at least one channel number usable by a plurality of sources for providing a station to transmit television programs, the method comprising: generating an electronic system guide (on-screen menu, column 5, lines 44-45) identifying the plurality of sources (column 5, lines 40-45, 60-64), selecting one of the plurality of sources as the default source from the electronic system guide (column 5, lines 60-65), and programming the at least one channel number to tune to a station for receiving television programs provided by the selected default source (column 8, lines 44-51).

As to claim 2, Broberg discloses generating a menu (on-screen menu, column 5, lines 44-45) listing a satellite source and a cable source for a user to select such that the at least one channel number tunes to a station for receiving television programs provided by a selected one of the satellite source and cable source (column 5, lines 40-45, 60-64).

As to claim 3, Broberg discloses generating a menu listing (on-screen menu, column 5, lines 44-45) a satellite source and a local TV antenna source (off-air channels, column 5, lines 49-51) for a user to select such that the at least one channel number tunes to a station for receiving television programs provided by a selected one of the satellite source and local TV antenna source (column 5, lines 40-51, 60-64).

As to claim 4, Broberg discloses wherein the television programs are transmitted using one of an analog and a digital signal (column 5, lines 40-45).

As to claim 5, Broberg discloses a system for providing a default source to at least one channel number usable by a plurality of sources providing a station to transmit television programs, comprising: a **processor** (Fig. 4, 34) configured to generate an electronic system guide (on-screen menu, column 5, lines 44-45) identifying the plurality of sources (column 5, lines 41-46 and 61-64), and a **selector** (switching network, 208) selecting one of the plurality of sources in accordance with a user selecting one of identified plurality of sources as a default source from the electronic system guide such that the at least one channel number is configured to tune to a station for receiving television programs provided by the selected default source (column 5, lines 54-64).

As to claim 6, Broberg discloses wherein the processor is configured to generate a menu listing a satellite source and a cable source for a user to select such that the at least one channel number tunes to a station for receiving television programs provided by the selected one of the satellite source and the cable source (column 5, lines 40-45, 60-64).

As to claim 7, Broberg discloses wherein the processor is configured to generate a menu listing (on-screen menu, column 5, lines 44-45) a satellite source and local TV antenna source (off-air channels, column 5, lines 49-51) for a user to select such that

the at least one channel number tunes to a station for receiving television programs provided by the selected one of the satellite source and local TV antenna source (column 5, lines 40-51, 60-64).

As to claim 8, Broberg discloses wherein the television programs are transmitted using one of an analog and a digital signal (column 5, lines 40-45).

As to claim 9, Broberg discloses an article of manufacture including one or more computer readable media (memory, 35) with executable instructions therein, which, when executed by a processing device (34) causes the processing device to: **generate** an electronic system guide (on-screen menu, column 5, lines 44-45) listing a plurality of sources for a user to select as a default source for at least one channel number usable by the plurality of sources (column 5, lines 41-46 and 61-64), and **program** the at least one channel number to tune to a station for receiving television programs provided by a selected default source (column 8, lines 44-51).

As to claim 10, Broberg discloses executable instructions that when executed, cause the processing system to generate a menu (on-screen menu, column 5, lines 44-45) listing a satellite source and a cable source for a user to select such that the at least one channel number tunes to a station for receiving television programs provided by the selected one of the satellite source and the cable source (column 5, lines 40-45, 60-64).

As to claim 11, Broberg discloses executable instructions that when executed, cause the processing system to generate a menu listing (on-screen menu, column 5, lines 44-45) a satellite source and a local TV antenna source (off-air channels, column 5, lines 49-51) for a user to select such that the at least one channel number tunes to a station for receiving television programs provided by the selected one of the satellite source and the local TV antenna source (column 5, lines 40-51, 60-64).

4. Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by Stinebruner (6,133,910).

As to claim 16, Stinebruner discloses a **processor** (controller, 12) configured to generate an electronic system guide (on-screen menu, column 5, lines 44-45) identifying a plurality of first default sources (Figure 2)(column 7, lines 3-15), and a **selector** (source selector, 30) configured to select one of the plurality of first default sources in accordance with a user selecting one of the first default sources from the electronic system guide (column 8, lines 26-31) such that the channel numbers tune to a station for receiving television programs provided by the selected first default source (column 8, lines 13-25).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-15 and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Broberg, in view of Stinebruner.

As to claims 12 and 21, Broberg discloses a method, and corresponding article of manufacture, for providing a default source to channel numbers, the method comprising: **selecting a first default source** to program channel numbers (column 5, lines 41-45), and if there are over-lapping channel numbers, **listing** (with on-screen menu, column 5, lines 44-45) the plurality of sources that may use the over-lapping channel numbers (column 5, lines 44-46 and lines 61-64), **selecting** a second default source among the listed plurality of sources to program the over-lapping channel numbers (column 5, lines 44-46 and lines 61-64) and **programming** (column 5, lines 30-37) the over-lapping channel numbers to tune to a station for receiving television programs provided by the selected second source (column 8, lines 44-51) and **program** any non-over-lapping channel numbers to tune to a station for receiving television programs provided by the selected first source (column 5, lines 41-51). Broberg fails to disclose, however, a means for determining if there are over-lapping channel numbers usable by a plurality of sources.

Stinebruner discloses a method of automatically determining if local program channels use the same channel number as those used by other sources (column 11, lines 50-53) for the typical advantage of eliminating channel conflicts when a plurality of sources are incorporated together.



It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Broberg's method to include a means for determining if there are over-lapping channel numbers usable by a plurality of sources, as taught by Stinebruner, for the typical advantage of eliminating channel conflicts when a plurality of sources are incorporated together.

As to claim 13, Broberg and Stinebruner disclose a method wherein if there are no over-lapping channel numbers, programming the channel numbers to tune to a station for receiving television programs provided by the selected first source (see Broberg at column 5, lines 39-51).

As to claim 14, Broberg and Stinebruner disclose wherein selecting a first source selects one of a cable source and a satellite source (see Broberg at column 5, lines 37-44).

As to claim 15, Broberg and Stinebruner disclose wherein selecting a second source selects one of a cable source and a satellite source (see Broberg at column 5, lines 37-46 and lines 61-64).

7. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinebruner, as applied to claim 16 above, and further in view of Broberg.

As to claim 17, Stinebruner discloses wherein the processor is configured to determine if there are over-lapping channel numbers among a plurality of sources (column 11, lines 50-56) and to select a default source from a plurality of sources (column 8, lines 26-31), however, he fails to disclose the listing of a plurality of default sources that may use the over-lapping channel numbers.

Broberg discloses a user selecting a default source from a list of a plurality of sources to program over-lapping channel numbers (column 5, lines 45-46 and lines 61-64) for the typical advantage of allowing a user to map over-lapping channels according to their viewing preferences.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Stinebruner's system to include the listing of a plurality of default sources that may use over-lapping channel numbers, as taught by Broberg, for the typical advantage of allowing a user to map over-lapping channels according to their viewing preferences.

As to claim 18, Stinebruner and Broberg disclose wherein the selector is also configured to select one of the second default sources such that the over-lapping channel numbers tune to a station for receiving television programs provided by the selected second default source (See Stinebruner at column 8, lines 26-31).

As to claims 19, Stinebruner and Broberg disclose wherein the selected first default source is a local TV antenna source or a satellite source (See Stinebruner at column 3, lines 1-9).

As to claim 20, Stinebruner and Broberg disclose wherein the selected second default source is a local TV antenna source or a satellite source (See Stinebruner at column 3, lines 1-9).

### ***Conclusion***

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Typed or printed name of person signing this certificate:

\_\_\_\_\_

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_.  
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\_\_\_\_\_

Signature: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-HELP.

James Sheleheda  
Patent Examiner  
Art Unit 2614

JS

  
CHRIS GRANT  
PRIMARY EXAMINER